

REMARKS

No claims have been amended or cancelled, and no new claims have been added. Claims 1-58 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Any reference herein to “the invention” is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Objections

The Examiner objected to claims 1-58. This objection is respectfully traversed. The Examiner’s concern appears to be that the claims sparingly use punctuation such as colons, commas and semicolons. There is no basis in the law, rules or MPEP for making such an objection. In making the objection, the Examiner cited to 37 CFR 1.75 and MPEP § 608.01(i)-(p). These provisions encourage the use of indentations to segregate subcombinations or related steps. This practice has been scrupulously followed in the claims. Aside from requiring a final period, there is no mention in 37 CFR 1.75 and MPEP § 608.01(i)-(p) or anywhere else of internal punctuation. Given that the rules specifically encourage indentations, the rules’ silence on commas, semicolons and colons implies that they are entirely optional. The Examiner has provided no citation which supports the objection. Nor has the Examiner stated that the claims are in any way unclear due to the scarcity of punctuation -- and indeed, the claims are quite clear. Withdrawal of the objection is therefore respectfully requested.

A. Claim Rejections - 35 USC § 102

The Examiner rejected claims 1-15, 17-58 under 35 USC § 102(e) as anticipated by US Patent 7,159,014 issued to Kausik. This rejection is respectfully traversed.

1. Defective Action

The Office Action is defective because it fails to comply with 37 CFR 1.104(c)(2) which states:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

In making an anticipation rejection pursuant to 35 USC § 102(e) in the current Office action, the Examiner fails to direct applicant to those elements of the cited reference which are asserted to teach the specific limitations in the claims. For these reasons, the Office Action fails to comply with 37 CFR §1.104(c)(2). In this way, the Office Action fails to assert a *prima facie* case of anticipation. Each and every limitation must be included in the cited reference. The Office Action fails to direct us to locations in Kausik that teach each of the claimed limitations. For example, the Office Action does not direct us to where the processor, memory and storage medium recited in claim 45 are taught in the cited reference. A citation to an irrelevant portion of the cited reference (Kausik, col. 1, lines 15-20) is provided.

In addition, the Office Action does not address each of the independent claims, but creates an amalgam of limitations shown on p. 3 of the Office Action. The result is a jumbled analysis that cannot be reconciled with the claims as filed. We request that the limitations from claim 1 be addressed, followed by the limitations from claim 15, and then each of the other independent claims as they occur, as is typically done. In this way, we will be able to understand the Examiner's arguments, which at this point are confusing.

To cure the above, a new Office Action is necessary.

Although it is clear that the Office Action fails to satisfy the rules and the MPEP, to avoid delay in prosecution, the substance of the Office Action will be addressed. It is hoped that the new Office Action can accordingly address all issues discussed herein.

2. Kausik Does Not Teach All of the Claimed Limitations

The Office Action asserts that “evaluating whether a content type of the response is appropriate” and “when the content type of the response is appropriate” are taught by Kausik at col. 3, line 58 – col. 4, line 15. However, this portion of Kausik describes that a proxy intercepts user requests for documents from a content server, receives a document from the content server, and then “requests each object that is embedded within the document from the content server.” This portion of Kausik fails to teach “evaluating whether a content type of the response is appropriate” and fails to teach determining “when the content type of the response is appropriate”. The Office Action fails to show that Kausik teaches these claimed limitations.

The Office Action asserts that “evaluating whether the response has a status code that is actionable” and that “when the status code is actionable, reviewing the response to determine whether the response includes a native expiration” are taught by Kausik at col. 5, lines 30-37. However, this portion of Kausik teaches reassigning “the URL of the object to include a code that is sufficiently unique to distinguish the object from prior and anticipated versions of the object”. Kausik, col. 5, lines 30-33. Examples of the code used in the reassigned URL include the last-modified date, a hash of the contents of the object or other unspecified unique identifiers. Kausik col. 5, lines 34-37. This portion of Kausik fails to teach “evaluating whether the response has a status code that is actionable” and fails to teach “when the status code is actionable, reviewing the response to determine whether the response includes a native expiration”. The Office Action fails to show that Kausik teaches these claimed limitations.

The Office Action asserts that “when the response includes the native expiration, forwarding the response to the requestor” is taught by Kausik at col. 1, lines 40-45 and at col. 4, lines 43-46. However, Kausik at col. 1, lines 40-45 teaches that to improve performance “embedded objects that are already in the browser’s cache may be reused” when an HTML document is requested. Further, Kausik at col. 4, lines 43-46 teaches examination of a “cache-control field” to learn if caching is prohibited. The “native expiration” as claimed is not taught by a “cache-control field”. These are

two entirely different constructs. These two portions of Kausik fail to teach that “when the response includes the native expiration, forwarding the response to the requestor”. These portions of Kausik fail to teach evaluation of a “native expiration” and taking action as claimed. The Office Action fails to show that Kausik teaches these claimed limitations.

As to claims 5, 23, 38, and 52, the Office Action asserts that “wherein the computed expiration is based on at least one of a response content type and a response resource identifier” is taught by Kausik at col. 3, line 58 – col. 4, line 15. However, this portion of Kausik describes that a proxy intercepts user requests for documents from a content server, receives a document from the content server, and then “requests each object that is embedded within the document from the content server.” This portion of Kausik fails to teach “wherein the computed expiration is based on at least one of a response content type and a response resource identifier”. The Office Action fails to show that Kausik teaches these claimed limitations.

As to claims 6, 24, 39 and 53, the Office Action fails to assert where Kausik teaches “wherein the computed expiration is based on at least one of a response content type and a response resource identifier.” The Office Action fails to show that Kausik teaches these claimed limitations.

As to claims 13, 29, 43 and 57, the Office Action states that Kausik does not teach “when the time-to-live is greater than a defined maximum, setting the time-to-live to be the defined maximum; when the time-to-live is less than a defined minimum, forwarding the response to the requestor”. We concur.

Because the Office Action fails to show that Kausik teaches each and every one of the limitations recited in the independent claims, the independent claims are patentable over Kausik. By virtue of their dependence on the independent claims, each and every one of the dependent claims are likewise patentable over Kausik. Therefore, we request that this rejection be withdrawn and that all the claims be allowed.

B. Claim Rejections - 35 USC § 103

The Examiner rejected claim 16 under 35 USC § 103(a) as unpatentable over Kausik in further view of US Patent Application Publication 2004/0068579 filed by Marmigere *et al.* (Marmigere). This rejection is respectfully traversed. Because Marmigere fails to cure the deficiencies of Kausik asserted above, claim 16 is patentable over the combination of Kausik and Marmigere. Therefore, we request that this rejection be withdrawn and that the claim 16 be allowed.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



Mark A. Goldstein
Reg. No. 50,759

Date: October 11, 2007

SoCal IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
Telephone: 805/230-1350
Facsimile: 805/230-1355
email: info@socalip.com